

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|   |   |                                    |
|---|---|------------------------------------|
| <b>EDWARD A. BILISKI,</b>                   | : |                                    |
| Plaintiff,                                  | : |                                    |
|   | : |                                    |
|   | : |                                    |
| v.  | : | <b>Civil Action No. 06-740-GMS</b> |
|   | : |                                    |
| <b>RED CLAY CONSOLIDATED SCHOOL</b>         | : |                                    |
| <b>DISTRICT BOARD OF EDUCATION, et al.,</b> | : |                                    |
| Defendants.                                 | : |                                    |
|   | : |                                    |

**JOINT STATUS REPORT**

In accordance with the Court's order dated March 7, 2007, the parties submit the following report:

**Jurisdiction and Service:** The plaintiff's claim alleges termination from employment in violation of plaintiff's right to procedural due process under the 14<sup>th</sup> Amendment. Jurisdiction is based on a "federal question." All parties have been served.

**Substance of the Action:** The plaintiff's claim alleges termination from employment in violation of plaintiff's right to procedural due process under the 14<sup>th</sup> Amendment. Defendants deny that plaintiff had a property interest in his employment; deny that he was denied due process; assert that the termination of plaintiff's employment was for legitimate business reasons and that plaintiff would have been terminated regardless of any alleged due process violation. Defendants preserve all of their defenses in the Answer to the Complaint.

**Identification of Issues:** (1) did the plaintiff have a "property interest" in continued employment with the defendants? (2) did the procedures employed to terminate plaintiff's employment meet the minimum requirements of procedural due process? (3) would plaintiff have been terminated regardless of any alleged due process violation? (4) was plaintiff in fact

afforded minimum requirements of due process required by law? (5) what remedy, if any, should be ordered if Plaintiff prevails?

**Narrowing of Issues:** N/A

**Relief:** Plaintiff is seeking reinstatement to former employment with an award of back pay.

**Amendment of Pleadings:** N/A

**Joinder of Parties:** N/A

**Discovery:** For Plaintiff - two or three depositions; For Defendants - three depositions.

**Estimated trial length:** Not more than one day.

**Jury trial:** No.

**Settlement:** There have been no settlement discussions. Plaintiff is agreeable to ADR including mediation before the magistrate. Defendants are agreeable to ADR, but believe that it should take place after discovery and resolution of case dispositive motions in light of the legal question concerning plaintiff's property interest, or lack thereof, in his employment.

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Dated: March 23, 2007